

1 **Government Records Access and Management Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matt MacPherson

Senate Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill modifies provisions of the Government Records Access and Management Act.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ provides that the government records ombudsman shall provide resources and services
- 9 related to a fee dispute in relation to a records request;
- 10 ▶ modifies provisions regulating costs chargeable by a governmental entity for employee
- 11 time in processing a records request under the Government Records Access and
- 12 Management Act;
- 13 ▶ adds provisions to regulate the disclosure of records and fee information regarding
- 14 work-related contact information for an employee of a local education agency;
- 15 ▶ requires a governmental entity to provide an itemized estimate of costs and fees expected
- 16 to be incurred before the governmental entity begins to process a request or requires
- 17 payment or deposit when fees are expected to exceed a certain amount;
- 18 ▶ modifies provisions of the Government Records Access and Management Act to make an
- 19 appeal to a chief administrative officer an optional process for appealing an estimate of
- 20 fees that exceeds a certain amount;
- 21 ▶ provides that a State Records Committee review of an agency access denial, fee waiver
- 22 denial, or fee estimate dispute is de novo;
- 23 ▶ requires a political subdivision to permit an optional appeal of an estimate of fees that
- 24 exceeds a certain amount directly to the State Records Committee;
- 25 ▶ modifies existing procedures; and
- 26 ▶ makes conforming changes and style corrections.

27 **Money Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **63A-12-111**, as last amended by Laws of Utah 2024, Chapter 40734 **63G-2-201**, as last amended by Laws of Utah 2023, Chapters 173, 51635 **63G-2-202**, as last amended by Laws of Utah 2024, Chapter 28836 **63G-2-203**, as last amended by Laws of Utah 2022, Chapter 12837 **63G-2-401**, as last amended by Laws of Utah 2024, Chapter 40738 **63G-2-402**, as last amended by Laws of Utah 2024, Chapter 40739 **63G-2-403**, as last amended by Laws of Utah 2024, Chapter 40740 **63G-2-404**, as last amended by Laws of Utah 2024, Chapter 40741 **63G-2-701**, as last amended by Laws of Utah 2019, Chapter 254

42

43 *Be it enacted by the Legislature of the state of Utah:*44 Section 1. Section **63A-12-111** is amended to read:45 **63A-12-111 . Government records ombudsman.**

46 (1)(a) The director of the division shall appoint a government records ombudsman.

47 (b) The government records ombudsman may not be a member of the State Records
48 Committee created in Section 63G-2-501.

49 (2)(a) The government records ombudsman shall:

50 (i) be familiar with the provisions of Title 63G, Chapter 2, Government Records
51 Access and Management Act;52 (ii) serve as a resource for a person who is making or responding to a records request,
53 a fee dispute in relation to a records request, or filing an appeal relating to a
54 records request;55 (iii) upon a request from a requester or responder, and with the consent of both the
56 requester and responder, mediate a dispute between a requester and responder,
57 including a dispute between a requester and a governmental entity regarding the
58 governmental entity's access denial, as defined in Section 63G-2-400.5; and59 (iv) on an annual basis, electronically transmit a written report to the Government
60 Operations Interim Committee on the work performed by the government records
61 ombudsman during the previous year.62 (b)(i) Before the conclusion of a mediation under Subsection (2)(a)(iii), a requester or
63 responder may withdraw consent for the mediation.

64 (ii) If a requester or responder withdraws consent under Subsection (2)(b)(i), the

65 government records ombudsman shall certify, as provided in Subsection (4)(a)(ii),
66 that the mediation was not concluded because of a lack of the required consent.

67 (3) The government records ombudsman may not testify, or be compelled to testify, before
68 the State Records Committee created in Section 63G-2-501, another administrative
69 body, or a court regarding a matter that the government records ombudsman provided
70 services in relation to under this section.

71 (4) Upon the conclusion of a mediation under Subsection (2)(a)(iii) or upon the government
72 records ombudsman's determination that the required consent for the mediation is
73 lacking, the government records ombudsman shall:

74 (a) certify in writing that the mediation:

75 (i) is concluded; or

76 (ii) did not take place or was not concluded because of a lack of the required consent;

77 and

78 (b) provide a copy of the written certification to the requester and the responder.

79 Section 2. Section **63G-2-201** is amended to read:

80 **63G-2-201 . Provisions relating to records -- Public records -- Private, controlled,**
81 **protected, and other restricted records -- Disclosure and nondisclosure of records --**
82 **Certified copy of record -- Limits on obligation to respond to record request.**

83 (1)(a) Except as provided in Subsection (1)(b), a person has the right to inspect a public
84 record free of charge, and the right to take a copy of a public record during normal
85 working hours, subject to Sections 63G-2-203 and 63G-2-204.

86 (b) A right under Subsection (1)(a) does not apply with respect to a record:

87 (i) a copy of which the governmental entity has already provided to the person;

88 (ii) that is the subject of a records request that the governmental entity is not required
89 to fill under Subsection (7)(a)(v); or

90 (iii)(A) that is accessible only by a computer or other electronic device owned or
91 controlled by the governmental entity;

92 (B) that is part of an electronic file that also contains a record that is private,
93 controlled, or protected; and

94 (C) that the governmental entity cannot readily segregate from the part of the
95 electronic file that contains a private, controlled, or protected record.

96 (2) A record is public unless otherwise expressly provided by statute.

97 (3) The following records are not public:

98 (a) a record that is private, controlled, or protected under Sections 63G-2-302, 63G-2-303,

- 99 63G-2-304, and 63G-2-305; and
- 100 (b) a record to which access is restricted pursuant to court rule, another state statute,
101 federal statute, or federal regulation, including records for which access is governed
102 or restricted as a condition of participation in a state or federal program or for
103 receiving state or federal funds.
- 104 (4) Only a record specified in Section 63G-2-302, 63G-2-303, 63G-2-304, or 63G-2-305
105 may be classified private, controlled, or protected.
- 106 (5)(a) A governmental entity may not disclose a record that is private, controlled, or
107 protected to any person except as provided in Subsection (5)(b), Subsection (5)(c),
108 Section 63G-2-202, 63G-2-206, or 63G-2-303.
- 109 (b) A governmental entity may disclose a record that is private under Subsection
110 63G-2-302(2) or protected under Section 63G-2-305 to persons other than those
111 specified in Section 63G-2-202 or 63G-2-206 if the head of a governmental entity, or
112 a designee, determines that:
- 113 (i) there is no interest in restricting access to the record; or
114 (ii) the interests favoring access are greater than or equal to the interest favoring
115 restriction of access.
- 116 (c) In addition to the disclosure under Subsection (5)(b), a governmental entity may
117 disclose a record that is protected under Subsection 63G-2-305(51) if:
- 118 (i) the head of the governmental entity, or a designee, determines that the disclosure:
119 (A) is mutually beneficial to:
120 (I) the subject of the record;
121 (II) the governmental entity; and
122 (III) the public; and
123 (B) serves a public purpose related to:
124 (I) public safety; or
125 (II) consumer protection; and
126 (ii) the person who receives the record from the governmental entity agrees not to use
127 or allow the use of the record for advertising or solicitation purposes.
- 128 (6) A governmental entity shall provide a person with a certified copy of a record if:
129 (a) the person requesting the record has a right to inspect it;
130 (b) the person identifies the record with reasonable specificity; and
131 (c) the person pays the lawful fees.
- 132 (7)(a) In response to a request, a governmental entity is not required to:

- 133 (i) create a record;
- 134 (ii) compile, format, manipulate, package, summarize, or tailor information;
- 135 (iii) provide a record in a particular format, medium, or program not currently
136 maintained by the governmental entity;
- 137 (iv) fulfill a person's records request if the request unreasonably duplicates prior
138 records requests from that person;
- 139 (v) fill a person's records request if:
- 140 (A) the record requested is:
- 141 (I) publicly accessible online; or
- 142 (II) included in a public publication or product produced by the governmental
143 entity receiving the request; and
- 144 (B) the governmental entity:
- 145 (I) specifies to the person requesting the record where the record is accessible
146 online; or
- 147 (II) provides the person requesting the record with the public publication or
148 product and specifies where the record can be found in the public
149 publication or product; or
- 150 (vi) fulfill a person's records request if:
- 151 (A) the person has been determined under Section 63G-2-209 to be a vexatious
152 requester;
- 153 (B) the State Records Committee order determining the person to be a vexatious
154 requester provides that the governmental entity is not required to fulfill a
155 request from the person for a period of time; and
- 156 (C) the period of time described in Subsection (7)(a)(vi)(B) has not expired.
- 157 (b) A governmental entity shall conduct a reasonable search for a requested record.
- 158 (8)(a) Although not required to do so, a governmental entity may, upon request from the
159 person who submitted the records request, compile, format, manipulate, package,
160 summarize, or tailor information or provide a record in a format, medium, or program
161 not currently maintained by the governmental entity.
- 162 (b) In determining whether to fulfill a request described in Subsection (8)(a), a
163 governmental entity may consider whether the governmental entity is able to fulfill
164 the request without unreasonably interfering with the governmental entity's duties
165 and responsibilities.
- 166 (c) A governmental entity may require a person who makes a request under Subsection

167 (8)(a) to pay the governmental entity, in accordance with Section 63G-2-203, for
168 providing the information or record as requested.

169 (9)(a) Notwithstanding any other provision of this chapter, and subject to Subsection
170 (9)(b), a governmental entity is not required to respond to, or provide a record in
171 response to, a record request if the request is submitted by or in behalf of an
172 individual who is confined in a jail or other correctional facility following the
173 individual's conviction.

174 (b) Subsection (9)(a) does not apply to:

- 175 (i) the first five record requests submitted to the governmental entity by or in behalf
176 of an individual described in Subsection (9)(a) during any calendar year
177 requesting only a record that contains a specific reference to the individual; or
- 178 (ii) a record request that is submitted by an attorney of an individual described in
179 Subsection (9)(a).

180 (10)(a) A governmental entity may allow a person requesting more than 50 pages of
181 records to copy the records if:

- 182 (i) the records are contained in files that do not contain records that are exempt from
183 disclosure, or the records may be segregated to remove private, protected, or
184 controlled information from disclosure; and
- 185 (ii) the governmental entity provides reasonable safeguards to protect the public from
186 the potential for loss of a public record.

187 (b) If the requirements of Subsection (10)(a) are met, the governmental entity may:

- 188 (i) provide the requester with the facilities for copying the requested records and
189 require that the requester make the copies; or
- 190 (ii) allow the requester to provide the requester's own copying facilities and personnel
191 to make the copies at the governmental entity's offices and waive the fees for
192 copying the records.

193 (11)(a) A governmental entity that owns an intellectual property right and that offers the
194 intellectual property right for sale or license may control by ordinance or policy the
195 duplication and distribution of the material based on terms the governmental entity
196 considers to be in the public interest.

197 (b) Nothing in this chapter shall be construed to limit or impair the rights or protections
198 granted to the governmental entity under federal copyright or patent law as a result of
199 its ownership of the intellectual property right.

200 (12) A governmental entity may not use the physical form, electronic or otherwise, in

201 which a record is stored to deny, or unreasonably hinder the rights of a person to inspect
 202 and receive a copy of a record under this chapter.

203 (13) Subject to the requirements of Subsection (7), a governmental entity shall provide
 204 access to an electronic copy of a record in lieu of providing access to its paper
 205 equivalent if:

- 206 (a) the person making the request requests or states a preference for an electronic copy;
- 207 (b) the governmental entity currently maintains the record in an electronic format that is
 208 reproducible and may be provided without reformatting or conversion; and
- 209 (c) the electronic copy of the record:
 - 210 (i) does not disclose other records that are exempt from disclosure; or
 - 211 (ii) may be segregated to protect private, protected, or controlled information from
 212 disclosure without the undue expenditure of public resources or funds.

213 (14) In determining whether a record is properly classified as private under Subsection
 214 63G-2-302(2)(d), the governmental entity, State Records Committee, local appeals
 215 board, or court shall consider and weigh:

- 216 (a) any personal privacy interests, including those in images, that would be affected by
 217 disclosure of the records in question; and
- 218 (b) any public interests served by disclosure.

219 (15) A request for the work-related contact information of an employee of a local education
 220 agency shall be provided only according to the requirements of Section 53G-10-207.

221 Section 3. Section **63G-2-202** is amended to read:

222 **63G-2-202 . Access to private, controlled, and protected documents.**

223 (1) Except as provided in Subsection (11)(a), a governmental entity:

- 224 (a) shall, upon request, [-]disclose a private record to:
 - 225 (i) the subject of the record;
 - 226 (ii) the parent or legal guardian of an unemancipated minor who is the subject of the
 227 record;
 - 228 (iii) the legal guardian of a legally incapacitated individual who is the subject of the
 229 record;
 - 230 (iv) any other individual who:
 - 231 (A) has a power of attorney from the subject of the record;
 - 232 (B) submits a notarized release from the subject of the record or the individual's
 233 legal representative dated no more than 90 days before the date the request is
 234 made; or

- 235 (C) if the record is a medical record described in Subsection 63G-2-302(1)(b), is a
236 health care provider, as defined in Section 26B-8-501, if releasing the record or
237 information in the record is consistent with normal professional practice and
238 medical ethics; or
- 239 (v) any person to whom the record must be provided pursuant to:
- 240 (A) court order as provided in Subsection (7); or
- 241 (B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative
242 Subpoena Powers; and
- 243 (b) may disclose a private record described in Subsections 63G-2-302(1)(j) through (m),
244 without complying with Section 63G-2-206, to another governmental entity for a
245 purpose related to:
- 246 (i) voter registration; or
- 247 (ii) the administration of an election.
- 248 (2)(a) Upon request, a governmental entity shall disclose a controlled record to:
- 249 (i) a physician, physician assistant, psychologist, certified social worker, insurance
250 provider or producer, or a government public health agency upon submission of:
- 251 (A) a release from the subject of the record that is dated no more than 90 days
252 prior to the date the request is made; and
- 253 (B) a signed acknowledgment of the terms of disclosure of controlled information
254 as provided by Subsection (2)(b); and
- 255 (ii) any person to whom the record must be disclosed pursuant to:
- 256 (A) a court order as provided in Subsection (7); or
- 257 (B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative
258 Subpoena Powers.
- 259 (b) A person who receives a record from a governmental entity in accordance with
260 Subsection (2)(a)(i) may not disclose controlled information from that record to any
261 person, including the subject of the record.
- 262 (3) If there is more than one subject of a private or controlled record, the portion of the
263 record that pertains to another subject shall be segregated from the portion that the
264 requester is entitled to inspect.
- 265 (4) Upon request, and except as provided in Subsection (11)(b), a governmental entity shall
266 disclose a protected record to:
- 267 (a) the person that submitted the record;
- 268 (b) any other individual who:

- 269 (i) has a power of attorney from all persons, governmental entities, or political
270 subdivisions whose interests were sought to be protected by the protected
271 classification; or
- 272 (ii) submits a notarized release from all persons, governmental entities, or political
273 subdivisions whose interests were sought to be protected by the protected
274 classification or from their legal representatives dated no more than 90 days prior
275 to the date the request is made;
- 276 (c) any person to whom the record must be provided pursuant to:
- 277 (i) a court order as provided in Subsection (7); or
- 278 (ii) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena
279 Powers; or
- 280 (d) the owner of a mobile home park, subject to the conditions of Subsection 41-1a-116
281 (5).
- 282 (5) Except as provided in Subsection (1)(b), a [-]governmental entity may disclose a
283 private, controlled, or protected record to another governmental entity, political
284 subdivision, state, the United States, or a foreign government only as provided by
285 Section 63G-2-206.
- 286 (6) Before releasing a private, controlled, or protected record, the governmental entity shall
287 obtain evidence of the requester's identity.
- 288 (7) A governmental entity shall disclose a record pursuant to the terms of a court order
289 signed by a judge from a court of competent jurisdiction, provided that:
- 290 (a) the record deals with a matter in controversy over which the court has jurisdiction;
- 291 (b) the court has considered the merits of the request for access to the record;
- 292 (c) the court has considered and, where appropriate, limited the requester's use and
293 further disclosure of the record in order to protect:
- 294 (i) privacy interests in the case of private or controlled records;
- 295 (ii) business confidentiality interests in the case of records protected under
296 Subsection 63G-2-305(1), (2), (40)(a)(ii), or (40)(a)(vi); and
- 297 (iii) privacy interests or the public interest in the case of other protected records;
- 298 (d) to the extent the record is properly classified private, controlled, or protected, the
299 interests favoring access, considering limitations thereon, are greater than or equal to
300 the interests favoring restriction of access; and
- 301 (e) where access is restricted by a rule, statute, or regulation referred to in Subsection
302 63G-2-201(3)(b), the court has authority independent of this chapter to order

303 disclosure.

304 (8)(a) Except as provided in Subsection (8)(d), a governmental entity may disclose or
305 authorize disclosure of private or controlled records for research purposes if the
306 governmental entity:

307 (i) determines that the research purpose cannot reasonably be accomplished without
308 use or disclosure of the information to the researcher in individually identifiable
309 form;

310 (ii) determines that:

311 (A) the proposed research is bona fide; and

312 (B) the value of the research is greater than or equal to the infringement upon
313 personal privacy;

314 (iii)(A) requires the researcher to assure the integrity, confidentiality, and security
315 of the records; and

316 (B) requires the removal or destruction of the individual identifiers associated
317 with the records as soon as the purpose of the research project has been
318 accomplished;

319 (iv) prohibits the researcher from:

320 (A) disclosing the record in individually identifiable form, except as provided in
321 Subsection (8)(b); or

322 (B) using the record for purposes other than the research approved by the
323 governmental entity; and

324 (v) secures from the researcher a written statement of the researcher's understanding
325 of and agreement to the conditions of this Subsection (8) and the researcher's
326 understanding that violation of the terms of this Subsection (8) may subject the
327 researcher to criminal prosecution under Section 63G-2-801.

328 (b) A researcher may disclose a record in individually identifiable form if the record is
329 disclosed for the purpose of auditing or evaluating the research program and no
330 subsequent use or disclosure of the record in individually identifiable form will be
331 made by the auditor or evaluator except as provided by this section.

332 (c) A governmental entity may require indemnification as a condition of permitting
333 research under this Subsection (8).

334 (d) A governmental entity may not disclose or authorize disclosure of a private record
335 for research purposes as described in this Subsection (8) if the private record is a
336 record described in Subsection 63G-2-302(1)(w).

- 337 (9)(a) Under Subsections 63G-2-201(5)(b) and 63G-2-401(6), a governmental entity
 338 may disclose to persons other than those specified in this section records that are:
 339 (i) private under Section 63G-2-302; or
 340 (ii) protected under Section 63G-2-305, subject to Section 63G-2-309 if a claim for
 341 business confidentiality has been made under Section 63G-2-309.
- 342 (b) Under Subsection 63G-2-403(11)(b), the State Records Committee may require the
 343 disclosure to persons other than those specified in this section of records that are:
 344 (i) private under Section 63G-2-302;
 345 (ii) controlled under Section 63G-2-304; or
 346 (iii) protected under Section 63G-2-305, subject to Section 63G-2-309 if a claim for
 347 business confidentiality has been made under Section 63G-2-309.
- 348 (c) Under Subsection 63G-2-404(7), the court may require the disclosure of records that
 349 are private under Section 63G-2-302, controlled under Section 63G-2-304, or
 350 protected under Section 63G-2-305 to persons other than those specified in this
 351 section.
- 352 (10)(a) A private record described in Subsection 63G-2-302(2)(f) may only be disclosed
 353 as provided in Subsection (1)(a)(v).
- 354 (b) A protected record described in Subsection 63G-2-305(43) may only be disclosed as
 355 provided in Subsection (4)(c) or Section 26B-6-212.
- 356 (11)(a) A private, protected, or controlled record described in Section 26B-1-506 shall
 357 be disclosed as required under:
 358 (i) Subsections 26B-1-506(1)(b) and (2); and
 359 (ii) Subsections 26B-1-507(1) and (6).
- 360 (b) A record disclosed under Subsection (11)(a) shall retain its character as private,
 361 protected, or controlled.
- 362 Section 4. Section **63G-2-203** is amended to read:
 363 **63G-2-203 . Fees.**
- 364 (1)(a) Subject to Subsection (5), a governmental entity may charge a reasonable fee to
 365 cover the governmental entity's actual cost of providing a record.
- 366 (b) A fee under Subsection (1)(a) shall be approved by the governmental entity's
 367 executive officer.
- 368 (2)(a) When a governmental entity compiles a record in a form other than that normally
 369 maintained by the governmental entity, the actual costs under this section may
 370 include the following:

- 371 (i) the cost of staff time for compiling, formatting, manipulating, packaging,
 372 summarizing, or tailoring the record either into an organization or media to meet
 373 the person's request;
- 374 (ii) the cost of staff time for search, retrieval, and other direct administrative costs for
 375 complying with a request; and
- 376 (iii) in the case of fees for a record that is the result of computer output other than
 377 word processing, the actual incremental cost of providing the electronic services
 378 and products together with a reasonable portion of the costs associated with
 379 formatting or interfacing the information for particular users, and the
 380 administrative costs as set forth in Subsections (2)(a)(i) and (ii).
- 381 (b) An hourly charge under Subsection (2)(a) may not exceed the salary of the lowest
 382 paid employee who, in the discretion of the custodian of records, has the necessary
 383 skill and training to perform the request.
- 384 (3)(a) Fees shall be established as ~~[provided in this Subsection (3).]~~ follows:
- 385 ~~[(b)]~~ (i) A governmental entity with fees established by the Legislature:
 386 ~~[(i)]~~ (A) shall establish the fees defined in Subsection (2), or other actual costs
 387 associated with this section through the budget process; and
 388 ~~[(ii)]~~ (B) may use the procedures of Section 63J-1-504 to set fees until the
 389 Legislature establishes fees through the budget process.
- 390 ~~[(c)]~~ (ii) Political subdivisions shall establish fees by ordinance or written formal
 391 policy adopted by the governing body.
- 392 ~~[(d)]~~ (iii) The judiciary shall establish fees by rules of the judicial council.
- 393 (iv) Any fee, or portion of a fee, that is charged for an employee's time incurred in the
 394 production of documents, with the exception of costs charged specifically for
 395 compiling a record in an alternative form as provided under Subsection (2)(a),
 396 shall be charged at the actual hourly pay of the employee performing the work.
- 397 (b) If fees are expected to exceed \$50:
- 398 (i) a governmental entity shall provide an itemized estimate for the expected costs
 399 before beginning to process a request; and
- 400 (ii) a governmental entity may not collect or require any fee or deposit before
 401 providing the itemized estimate.
- 402 (c) If fees are expected to exceed \$500, in addition to the requirements of Subsection
 403 (3)(b), the itemized estimate shall include, for any costs expected to be charged for
 404 employee work time, a listing of the job description of each employee expected to

405 perform work in processing the request, the number of hours expected to be charged
406 on behalf of each employee's work, and the hourly rate charged for each employee.

407 (4) A governmental entity may fulfill a record request without charge and is encouraged to
408 do so if it determines that:

- 409 (a) releasing the record primarily benefits the public rather than a person;
- 410 (b) the individual requesting the record is the subject of the record, or an individual
411 specified in Subsection 63G-2-202(1) or (2); or
- 412 (c) the requester's legal rights are directly implicated by the information in the record,
413 and the requester is impecunious.

414 (5)(a) As used in this Subsection (5), "media representative":

- 415 (i) means a person who requests a record to obtain information for a story or report
416 for publication or broadcast to the general public; and
 - 417 (ii) does not include a person who requests a record to obtain information for a blog,
418 podcast, social media account, or other means of mass communication generally
419 available to a member of the public.
- 420 (b) A governmental entity may not charge a fee for:
- 421 (i) reviewing a record to determine whether it is subject to disclosure, except as
422 permitted by Subsection (2)(a)(ii);
 - 423 (ii) inspecting a record; or
 - 424 (iii) the first quarter hour of staff time spent in responding to a request under Section
425 63G-2-204.

426 (c) Notwithstanding Subsection (5)(b)(iii), a governmental entity is not prevented from
427 charging a fee for the first quarter hour of staff time spent in responding to a request
428 under Section 63G-2-204 if the person who submits the request:

- 429 (i) is not a Utah media representative; and
- 430 (ii) previously submitted a separate request within the 10-day period immediately
431 before the date of the request to which the governmental entity is responding.

432 (6)(a) A person who believes that there has been an unreasonable denial of a fee waiver
433 under Subsection (4) may appeal the denial in the same manner as a person appeals
434 when inspection of a public record is denied under Section 63G-2-205.

435 (b) The adjudicative body hearing the appeal:

- 436 (i) shall review the fee waiver de novo, but shall review and consider the
437 governmental entity's denial of the fee waiver and any determination under
438 Subsection (4); and

439 (ii) has the same authority when a fee waiver or reduction is denied as it has when the
440 inspection of a public record is denied.

441 (7)(a) All fees received under this section by a governmental entity subject to Subsection [
442 ~~(3)(b)~~] (3)(a)(i) shall be retained by the governmental entity as a dedicated credit.

443 (b) Those funds shall be used to recover the actual cost and expenses incurred by the
444 governmental entity in providing the requested record or record series.

445 (8)(a) A governmental entity may require payment of past fees and future estimated fees
446 before beginning to process a request if:

447 (i) fees are expected to exceed \$50; or

448 (ii) the requester has not paid fees from previous requests.

449 (b) Any prepaid amount in excess of fees due shall be returned to the requester.

450 (9) This section does not alter, repeal, or reduce fees established by other statutes or
451 legislative acts.

452 (10)(a) Notwithstanding Subsection [~~(3)(e)~~] (3)(a)(ii), fees for voter registration records
453 shall be set as provided in this Subsection (10).

454 (b) The lieutenant governor shall:

455 (i) after consultation with county clerks, establish uniform fees for voter registration
456 and voter history records that meet the requirements of this section; and

457 (ii) obtain legislative approval of those fees by following the procedures and
458 requirements of Section 63J-1-504.

459 (11) If fees are charged for providing a local education agency employee's work-related
460 contact information, a governmental entity shall comply with the requirements of
461 Section 53G-10-207.

462 Section 5. Section **63G-2-401** is amended to read:

463 **63G-2-401 . Appeal to chief administrative officer -- Appeal of fee estimate**
464 **directly to records committee -- Notice of the decision of the appeal.**

465 (1)(a) A requester or interested party may appeal an access denial~~[-or]~~ , the denial of a fee
466 waiver under Subsection 63G-2-203(4), or an estimate of a fee amount under
467 Subsection 63G-2-203(3) to the chief administrative officer of the governmental
468 entity by filing a notice of appeal with the chief administrative officer within 30 days
469 after:

470 (i) for an access denial:

471 (A) the governmental entity sends a notice of denial under Section 63G-2-205, if
472 the governmental entity denies a record request under Subsection 63G-2-205(1);

- 473 or
- 474 (B) the record request is considered denied under Subsection 63G-2-204(9), if that
- 475 subsection applies; or
- 476 (ii) for a denial of a fee waiver, the date the governmental entity notifies the requester
- 477 that the fee waiver is denied.
- 478 (b) If a governmental entity claims extraordinary circumstances and specifies the date
- 479 when the records will be available under Subsection 63G-2-204(4), and, if the
- 480 requester believes the extraordinary circumstances do not exist or that the date
- 481 specified is unreasonable, the requester may appeal the governmental entity's claim
- 482 of extraordinary circumstances or date for compliance to the chief administrative
- 483 officer by filing a notice of appeal with the chief administrative officer within 30
- 484 days after notification of a claim of extraordinary circumstances by the governmental
- 485 entity, despite the lack of a "determination" or its equivalent under Subsection
- 486 63G-2-204(9).
- 487 (c) As an alternative to the appeal permitted under Subsection (1)(a), a requester or
- 488 interested party may appeal the governmental entity's estimate of a fee amount under
- 489 Subsection 63G-2-203(3) directly to the records committee as provided under Section
- 490 63G-2-403 if the estimated fee amount exceeds \$500.
- 491 (2) A notice of appeal shall contain:
- 492 (a) the name, mailing address, and daytime telephone number of the requester or
- 493 interested party; and
- 494 (b) the relief sought.
- 495 (3) The requester or interested party may file a short statement of facts, reasons, and legal
- 496 authority in support of the appeal.
- 497 (4)(a) If the appeal involves a record that is the subject of a business confidentiality
- 498 claim under Section 63G-2-309, the chief administrative officer shall:
- 499 (i) send notice of the appeal to the business confidentiality claimant within three
- 500 business days after receiving notice, except that if notice under this section must
- 501 be given to more than 35 persons, it shall be given as soon as reasonably possible;
- 502 and
- 503 (ii) send notice of the business confidentiality claim and the schedule for the chief
- 504 administrative officer's determination to the requester or interested party within
- 505 three business days after receiving notice of the appeal.
- 506 (b) The business confidentiality claimant shall have seven business days after notice is

507 sent by the administrative officer to submit further support for the claim of business
508 confidentiality.

509 (5)(a) The chief administrative officer shall make a decision on the appeal within:

510 (i)(A) 10 business days after the chief administrative officer's receipt of the notice
511 of appeal; or

512 (B) five business days after the chief administrative officer's receipt of the notice
513 of appeal, if the requester or interested party demonstrates that an expedited
514 decision benefits the public rather than the requester or interested party; or

515 (ii) 12 business days after the governmental entity sends the notice of appeal to a
516 person who submitted a claim of business confidentiality.

517 (b)(i) If the chief administrative officer fails to make a decision on an appeal of an
518 access denial within the time specified in Subsection (5)(a), the failure is the
519 equivalent of a decision affirming the access denial.

520 (ii) If the chief administrative officer fails to make a decision on an appeal under
521 Subsection (1)(b) within the time specified in Subsection (5)(a), the failure is the
522 equivalent of a decision affirming the claim of extraordinary circumstances or the
523 reasonableness of the date specified when the records will be available.

524 (c) The provisions of this section notwithstanding, the parties participating in the
525 proceeding may, by agreement, extend the time periods specified in this section.

526 (6) Except as provided in Section 63G-2-406, the chief administrative officer may, upon
527 consideration and weighing of the various interests and public policies pertinent to the
528 classification and disclosure or nondisclosure, order the disclosure of information
529 properly classified as private under Subsection 63G-2-302(2) or protected under Section
530 63G-2-305 if the interests favoring access are greater than or equal to the interests
531 favoring restriction of access.

532 (7)(a) The governmental entity shall send written notice of the chief administrative
533 officer's decision to all participants.

534 (b) If the chief administrative officer's decision is to affirm the access denial in whole or
535 in part or to affirm the fee waiver denial, the notice under Subsection (7)(a) shall
536 include:

537 (i) a statement that the requester has a right under Section 63A-12-111 to request the
538 government records ombudsman to mediate the dispute between the requester and
539 the governmental entity concerning the access denial or the fee waiver denial;

540 (ii) a statement that the requester or interested party has the right to appeal the

- 541 decision, as provided in Section 63G-2-402, to:
- 542 (A) the State Records Committee or district court; or
- 543 (B) the local appeals board, if the governmental entity is a political subdivision
- 544 and the governmental entity has established a local appeals board;
- 545 (iii) the time limits for filing an appeal described in Subsection (7)(b)(ii), including
- 546 an explanation of a suspension of the time limits, as provided in Subsections
- 547 63G-2-403(1)(c) and 63G-2-404(1)(b), for a requester if the requester seeks
- 548 mediation under Section 63A-12-111; and
- 549 (iv) the name and business address of:
- 550 (A) the executive secretary of the State Records Committee;
- 551 (B) the individual designated as the contact individual for the appeals board, if the
- 552 governmental entity is a political subdivision that has established an appeals
- 553 board under Subsection 63G-2-701(5)(c); and
- 554 (C) the government records ombudsman.
- 555 (8) A person aggrieved by a governmental entity's classification or designation
- 556 determination under this chapter, but who is not requesting access to the records, may
- 557 appeal that determination using the procedures provided in this section. If a
- 558 nonrequester is the only appellant, the procedures provided in this section shall apply,
- 559 except that the decision on the appeal shall be made within 30 days after receiving the
- 560 notice of appeal.
- 561 (9) The duties of the chief administrative officer under this section may be delegated.
- 562 Section 6. Section **63G-2-402** is amended to read:
- 563 **63G-2-402 . Appealing a decision of a chief administrative officer.**
- 564 (1) If the decision of the chief administrative officer of a governmental entity under Section
- 565 63G-2-401 is to affirm the denial of a record request~~[-or]~~ , to affirm the denial of a fee
- 566 waiver, or to affirm the estimate of a fee amount, the requester may:
- 567 (a)(i) appeal the decision to the State Records Committee, as provided in Section
- 568 63G-2-403; or
- 569 (ii) petition for judicial review of the decision in district court, as provided in Section
- 570 63G-2-404;
- 571 (b) seek mediation of the access denial~~[-or]~~ , fee waiver denial, or fee amount affirmation
- 572 under Subsection 63A-12-111(2)(c); or
- 573 (c) appeal the decision to the local appeals board if:
- 574 (i) the decision is of a chief administrative officer of a governmental entity that is a

- 575 political subdivision; and
- 576 (ii) the political subdivision has established a local appeals board.
- 577 (2) A requester who appeals a chief administrative officer's decision to the State Records
- 578 Committee or a local appeals board does not lose or waive the right to seek judicial
- 579 review of the decision of the State Records Committee or local appeals board.
- 580 (3) As provided in Section 63G-2-403, an interested party may appeal to the State Records
- 581 Committee a chief administrative officer's decision under Section 63G-2-401[~~affirming~~
- 582 ~~an access denial~~].

583 Section 7. Section **63G-2-403** is amended to read:

584 **63G-2-403 . Appeals to the State Records Committee.**

- 585 (1)(a) A records committee appellant appeals to the State Records Committee by filing a
- 586 notice of appeal with the executive secretary of the State Records Committee no later
- 587 than 30 days after the date of issuance of the decision being appealed.
- 588 (b) Notwithstanding Subsection (1)(a), a requester may file a notice of appeal with the
- 589 executive secretary of the State Records Committee no later than 45 days after the
- 590 day on which the record request is made if:
- 591 (i) the circumstances described in Subsection 63G-2-401(1)(b) occur; and
- 592 (ii) the chief administrative officer fails to make a decision under Section 63G-2-401.
- 593 (c) The time for a requester to file a notice of appeal under Subsection (1)(a) or (b) is
- 594 suspended for the period of time that:
- 595 (i) begins the date the requester submits a request under Section 63A-12-111 for the
- 596 government records ombudsman to mediate the dispute between the requester and
- 597 the governmental entity; and
- 598 (ii) ends the earlier of the following dates:
- 599 (A) the date that the government records ombudsman certifies in writing that the
- 600 mediation is concluded; or
- 601 (B) the date that the government records ombudsman certifies in writing that the
- 602 mediation did not occur or was not concluded because of a lack of the required
- 603 consent.
- 604 (2) The notice of appeal shall:
- 605 (a) contain the name, mailing address, and daytime telephone number of the records
- 606 committee appellant;
- 607 (b) be accompanied by a copy of the decision being appealed; and
- 608 (c) state the relief sought.

- 609 (3) The records committee appellant:
- 610 (a) shall, on the day on which the notice of appeal is filed with the State Records
- 611 Committee, serve a copy of the notice of appeal on:
- 612 (i) the governmental entity whose access denial~~[-or]~~ , fee waiver denial, or fee amount
- 613 estimate is the subject of the appeal, if the records committee appellant is a
- 614 requester or interested party; or
- 615 (ii) the requester or interested party who is a party to the local appeals board
- 616 proceeding that resulted in the decision that the political subdivision is appealing
- 617 to the committee, if the records committee appellant is a political subdivision; and
- 618 (b) may file a short statement of facts, reasons, and legal authority in support of the
- 619 appeal.
- 620 (4)(a) Except as provided in Subsections (4)(b) and (c), no later than seven business
- 621 days after receiving a notice of appeal, the executive secretary of the State Records
- 622 Committee shall:
- 623 (i) schedule a hearing for the State Records Committee to discuss the appeal at the
- 624 next regularly scheduled committee meeting falling at least 16 days after the date
- 625 the notice of appeal is filed but no longer than 64 calendar days after the date the
- 626 notice of appeal was filed except that the committee may schedule an expedited
- 627 hearing upon application of the records committee appellant and good cause
- 628 shown;
- 629 (ii) send a copy of the notice of hearing to the records committee appellant; and
- 630 (iii) send a copy of the notice of appeal, supporting statement, and a notice of hearing
- 631 to:
- 632 (A) each member of the State Records Committee;
- 633 (B) the records officer and the chief administrative officer of the governmental
- 634 entity whose access denial or fee dispute is the subject of the appeal, if the
- 635 records committee appellant is a requester or interested party;
- 636 (C) any person who made a business confidentiality claim under Section
- 637 63G-2-309 for a record that is the subject of the appeal; and
- 638 (D) if the appeal is of a chief administrative officer's decision affirming an access
- 639 denial, all persons who participated in the proceedings before the governmental
- 640 entity's chief administrative officer~~[-, if the appeal is of the chief administrative~~
- 641 ~~officer's decision affirming an access denial]~~.
- 642 (b)(i) The executive secretary of the State Records Committee may decline to

- 643 schedule a hearing if the record series that is the subject of the appeal has been
644 found by the committee in a previous hearing involving the same governmental
645 entity to be appropriately classified as private, controlled, or protected.
- 646 (ii)(A) If the executive secretary of the State Records Committee declines to
647 schedule a hearing, the executive secretary shall send a notice to the records
648 committee appellant indicating that the request for hearing has been denied and
649 the reason for the denial.
- 650 (B) The State Records Committee shall make rules to implement this section as
651 provided by Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 652 (c) The executive secretary of the State Records Committee may schedule a hearing on
653 an appeal to the State Records Committee at a regularly scheduled State Records
654 Committee meeting that is later than the period described in Subsection (4)(a)(i) if
655 that committee meeting is the first regularly scheduled State Records Committee
656 meeting at which there are fewer than 10 appeals scheduled to be heard.
- 657 (5)(a) No later than five business days before the hearing, a governmental entity shall
658 submit to the executive secretary of the State Records Committee a written statement
659 of facts, reasons, and legal authority in support of the governmental entity's position.
- 660 (b) The governmental entity shall send a copy of the written statement by first class
661 mail, postage prepaid, to the requester or interested party involved in the appeal. The
662 executive secretary shall forward a copy of the written statement to each member of
663 the State Records Committee.
- 664 (6)(a) No later than 10 business days after the day on which the executive secretary
665 sends the notice of appeal, a person whose legal interests may be substantially
666 affected by the proceeding may file a request for intervention with the State Records
667 Committee.
- 668 (b) Any written statement of facts, reasons, and legal authority in support of the
669 intervener's position shall be filed with the request for intervention.
- 670 (c) The person seeking intervention shall provide copies of the statement described in
671 Subsection (6)(b) to all parties to the proceedings before the State Records
672 Committee.
- 673 (7) The State Records Committee shall hold a hearing within the period of time described in
674 Subsection (4).
- 675 (8) At the hearing, the State Records Committee shall allow the parties to testify, present
676 evidence, and comment on the issues. The committee may allow other interested

- 677 persons to comment on the issues.
- 678 (9)(a)(i) The State Records Committee:
- 679 (A) may review the disputed records; and
- 680 (B) shall review the disputed records, if the committee is weighing the various
- 681 interests under Subsection (11).
- 682 (ii) A review of the disputed records under Subsection (9)(a)(i) shall be in camera.
- 683 (b) Members of the State Records Committee may not disclose any information or
- 684 record reviewed by the committee in camera unless the disclosure is otherwise
- 685 authorized by this chapter.
- 686 (10)(a) Discovery is prohibited, but the State Records Committee may issue subpoenas
- 687 or other orders to compel production of necessary evidence.
- 688 (b) When the subject of a State Records Committee subpoena disobeys or fails to
- 689 comply with the subpoena, the committee may file a motion for an order to compel
- 690 obedience to the subpoena with the district court.
- 691 (c)(i) The State Records Committee's review shall be de novo, if the appeal is~~an~~
- 692 ~~appeal~~ :
- 693 (A) from an access denial, a fee waiver denial under Section 63G-2-203, or an
- 694 estimate of a fee amount under Subsection 63G-2-203(3); or
- 695 (B) from a decision of a chief administrative officer:
- 696 ~~[(A)]~~ (I) issued under Section 63G-2-401; or
- 697 ~~[(B)]~~ (II) issued by a chief administrative officer of a political subdivision that
- 698 has not established a local appeals board.
- 699 (ii) For an appeal from a decision of a local appeals board, the State Records
- 700 Committee shall review and consider the decision of the local appeals board.
- 701 (11)(a) No later than seven business days after the hearing, the State Records Committee
- 702 shall issue a signed order:
- 703 (i) granting the relief sought, in whole or in part;~~[-or]~~
- 704 (ii) in relation to a fee estimate dispute:
- 705 (A) affirming the amount of a fee estimate;
- 706 (B) ordering a different fee amount; or
- 707 (C) ordering a governmental entity to re-estimate a fee using specific fee estimate
- 708 procedures or guidelines, which may or may not include an order stating the
- 709 range of fee amounts acceptable to the State Records Committee in the matter;
- 710 or

- 711 [(ii)] (iii) upholding the governmental entity's access denial, fee waiver denial, or
712 estimate of a fee amount, in whole or in part.
- 713 (b) Except as provided in Section 63G-2-406, the State Records Committee may, upon
714 consideration and weighing of the various interests and public policies pertinent to
715 the classification and disclosure or nondisclosure, order the disclosure of information
716 properly classified as private, controlled, or protected if the public interest favoring
717 access is greater than or equal to the interest favoring restriction of access.
- 718 (c) In making a determination under Subsection (11)(b), the State Records Committee
719 shall consider and, where appropriate, limit the requester's or interested party's use
720 and further disclosure of the record in order to protect:
- 721 (i) privacy interests in the case of a private or controlled record;
- 722 (ii) business confidentiality interests in the case of a record protected under
723 Subsection 63G-2-305(1), (2), (40)(a)(ii), or (40)(a)(vi); and
- 724 (iii) privacy interests or the public interest in the case of other protected records.
- 725 (12) The order of the State Records Committee shall include:
- 726 (a) a statement of reasons for the decision, including citations to this chapter, court rule
727 or order, another state statute, federal statute, or federal regulation that governs
728 disclosure of the record, if the citations do not disclose private, controlled, or
729 protected information;
- 730 (b) a description of the record or portions of the record to which access was ordered or
731 denied, if the description does not disclose private, controlled, or protected
732 information or information exempt from disclosure under Subsection 63G-2-201(3)(b);
- 733 (c) a statement that any party to the proceeding before the State Records Committee may
734 appeal the committee's decision to district court; and
- 735 (d) a brief summary of the appeals process, the time limits for filing an appeal, and a
736 notice that in order to protect its rights on appeal, the party may wish to seek advice
737 from an attorney.
- 738 (13) If the State Records Committee fails to issue a decision within 73 calendar days of the
739 filing of the notice of appeal, that failure is the equivalent of an order denying the
740 appeal. A records committee appellant shall notify the State Records Committee in
741 writing if the records committee appellant considers the appeal denied.
- 742 (14) A party to a proceeding before the State Records Committee may seek judicial review
743 in district court of a State Records Committee order by filing a petition for review of the
744 order as provided in Section 63G-2-404.

745 (15)(a) Unless a notice of intent to appeal is filed under Subsection (15)(b), each party to
746 the proceeding shall comply with the order of the State Records Committee.

747 (b) If a party disagrees with the order of the State Records Committee, that party may
748 file a notice of intent to appeal the order.

749 (c) If the State Records Committee orders the governmental entity to produce a record
750 and no appeal is filed, or if, as a result of the appeal, the governmental entity is
751 required to produce a record, the governmental entity shall:

752 (i) produce the record; and

753 (ii) file a notice of compliance with the committee.

754 (d)(i) If the governmental entity that is ordered to produce a record fails to file a
755 notice of compliance or a notice of intent to appeal, the State Records Committee
756 may do either or both of the following:

757 (A) impose a civil penalty of up to \$500 for each day of continuing
758 noncompliance; or

759 (B) send written notice of the governmental entity's noncompliance to the
760 governor.

761 (ii) In imposing a civil penalty, the State Records Committee shall consider the
762 gravity and circumstances of the violation, including whether the failure to
763 comply was due to neglect or was willful or intentional.

764 Section 8. Section **63G-2-404** is amended to read:

765 **63G-2-404 . Judicial review.**

766 (1)(a) A petition for judicial review of an order or decision, as allowed under this part, in
767 Section 63G-2-209, or in Subsection 63G-2-701(6)(a)(ii), shall be filed no later than
768 30 days after the date of the order or decision, subject to Subsection (1)(b).

769 (b) The time for a requester to file a petition for judicial review under Subsection (1)(a)
770 is suspended for the period of time that:

771 (i) begins the date the requester submits a request under Section 63A-12-111 for the
772 government records ombudsman to mediate the dispute between the requester and
773 the governmental entity; and

774 (ii) ends the earlier of the following dates:

775 (A) the date that the government records ombudsman certifies in writing that the
776 mediation is concluded; or

777 (B) the date that the government records ombudsman certifies in writing that the
778 mediation did not occur or was not concluded because of a lack of the required

- 779 consent.
- 780 (2)(a) A petition for judicial review is a complaint governed by the Utah Rules of Civil
781 Procedure and shall contain:
- 782 (i) the petitioner's name and mailing address;
- 783 (ii) a statement identifying the order or decision that the petitioner is appealing;
- 784 ~~[(iii)]~~ (iii) a copy of the State Records Committee order from which the appeal is
785 taken, if the petitioner is seeking judicial review of an order of the State Records
786 Committee;
- 787 ~~[(iii)]~~ (iv) the name and mailing address of the governmental entity that issued the
788 initial determination with a copy of that determination;
- 789 ~~[(iv)]~~ (v) a request for relief specifying the type and extent of relief requested; and
- 790 ~~[(v)]~~ (vi) a statement of the reasons why the petitioner is entitled to relief.
- 791 (b) Except in exceptional circumstances, a petition for judicial review may not raise an
792 issue that was not raised in the underlying appeal and order.
- 793 (3) If the appeal is based on the denial of access to a protected record based on a claim of
794 business confidentiality, the court shall allow the claimant of business confidentiality to
795 provide to the court the reasons for the claim of business confidentiality.
- 796 (4) All additional pleadings and proceedings in the district court are governed by the Utah
797 Rules of Civil Procedure.
- 798 (5) The district court may review the disputed records. The review shall be in camera.
- 799 (6)(a) The court shall:
- 800 (i) make the court's decision de novo, but, for a petition seeking judicial review of a
801 State Records Committee order, allow introduction of evidence presented to the
802 State Records Committee;
- 803 (ii) determine all questions of fact and law without a jury; and
- 804 (iii) decide the issue at the earliest practical opportunity.
- 805 (b) A court may remand a petition for judicial review to the State Records Committee if:
- 806 (i) the remand is to allow the State Records Committee to decide an issue that:
- 807 (A) involves access to a record; and
- 808 (B) the State Records Committee has not previously addressed in the proceeding
809 that led to the petition for judicial review; and
- 810 (ii) the court determines that remanding to the State Records Committee is in the best
811 interests of justice.
- 812 (7)(a) Except as provided in Section 63G-2-406, the court may, upon consideration and

813 weighing of the various interests and public policies pertinent to the classification
814 and disclosure or nondisclosure, order the disclosure of information properly
815 classified as private, controlled, or protected if the interest favoring access is greater
816 than or equal to the interest favoring restriction of access.

817 (b) The court shall consider and, where appropriate, limit the requester's use and further
818 disclosure of the record in order to protect privacy interests in the case of private or
819 controlled records, business confidentiality interests in the case of records protected
820 under Subsections 63G-2-305(1) and (2), and privacy interests or the public interest
821 in the case of other protected records.

822 Section 9. Section **63G-2-701** is amended to read:

823 **63G-2-701 . Political subdivisions may adopt ordinances in compliance with**
824 **chapter -- Appeal process.**

825 (1) As used in this section:

826 (a) "Access denial" means the same as that term is defined in Section 63G-2-400.5.

827 (b) "Interested party" means the same as that term is defined in Section 63G-2-400.5.

828 (c) "Requester" means the same as that term is defined in Section 63G-2-400.5.

829 (2)(a) Each political subdivision may adopt an ordinance or a policy applicable
830 throughout its jurisdiction relating to information practices including classification,
831 designation, access, denials, segregation, appeals, management, retention, and
832 amendment of records.

833 (b) The ordinance or policy shall comply with the criteria set forth in this section.

834 (c) If any political subdivision does not adopt and maintain an ordinance or policy, then
835 that political subdivision is subject to this chapter.

836 (d) Notwithstanding the adoption of an ordinance or policy, each political subdivision is
837 subject to Part 1, General Provisions, Part 3, Classification, and Sections 63A-12-105,
838 63A-12-107, 63G-2-201, 63G-2-202, 63G-2-205, 63G-2-206, 63G-2-601, and
839 63G-2-602.

840 (e) Every ordinance, policy, or amendment to the ordinance or policy shall be filed with
841 the state archives no later than 30 days after its effective date.

842 (f) The political subdivision shall also report to the state archives all retention schedules,
843 and all designations and classifications applied to record series maintained by the
844 political subdivision.

845 (g) The report required by Subsection (2)(f) is notification to state archives of the
846 political subdivision's retention schedules, designations, and classifications. The

847 report is not subject to approval by state archives. If state archives determines that a
848 different retention schedule is needed for state purposes, state archives shall notify
849 the political subdivision of the state's retention schedule for the records and shall
850 maintain the records if requested to do so under Subsection 63A-12-105(2).

851 (3) Each ordinance or policy relating to information practices shall:

852 (a) provide standards for the classification and designation of the records of the political
853 subdivision as public, private, controlled, or protected in accordance with Part 3,
854 Classification;

855 (b) require the classification of the records of the political subdivision in accordance
856 with those standards;

857 (c) provide guidelines for establishment of fees in accordance with Section 63G-2-203;
858 and

859 (d) provide standards for the management and retention of the records of the political
860 subdivision comparable to Section 63A-12-103.

861 (4)(a) Each ordinance or policy shall establish access criteria, procedures, and response
862 times for requests to inspect, obtain, or amend records of the political subdivision,
863 and time limits for appeals consistent with this chapter.

864 (b) In establishing response times for access requests and time limits for appeals, the
865 political subdivision may establish reasonable time frames different than those set out
866 in Section 63G-2-204 and Part 4, Appeals, if it determines that the resources of the
867 political subdivision are insufficient to meet the requirements of those sections.

868 (5)(a) A political subdivision shall establish an appeals process for persons aggrieved by
869 classification, designation, fee disputes, or access decisions.

870 (b) A political subdivision's appeals process shall include[-] :

871 (i) a process for a requester or interested party to appeal an access denial, fee waiver
872 denial, or an estimate of a fee amount to a person designated by the political
873 subdivision as the chief administrative officer for purposes of an appeal under
874 Section 63G-2-401[-] ; and

875 (ii) a process for a requester or interested party to optionally appeal an estimate of a
876 fee amount directly to the State Records Committee if the estimated fee amount
877 exceeds \$500.

878 (c)(i) A political subdivision may establish an appeals board [~~to decide~~] for the
879 purpose of hearing an appeal of a decision of[-] :

880 (A) an access denial, fee waiver denial, or estimate of a fee amount; or

- 881 (B) the chief administrative officer affirming an access denial.
- 882 (ii) An appeals board established by a political subdivision shall be composed of
883 three members:
- 884 (A) one of whom shall be an employee of the political subdivision; and
- 885 (B) two of whom shall be members of the public who are not employed by or
886 officials of a governmental entity, at least one of whom shall have professional
887 experience with requesting or managing records.
- 888 (iii) If a political subdivision establishes an appeals board, any appeal of a decision of
889 a chief administrative officer shall be made to the appeals board, expect that an
890 appeal of an estimate of a fee amount may be appealed directly to the State
891 Records Committee as required by Subsection (5)(b)(ii) if the estimated fee
892 amount exceeds \$500.
- 893 (iv) If a political subdivision does not establish an appeals board, the political
894 subdivision's appeals process shall provide for an appeal of a chief administrative
895 officer's decision to the State Records Committee, as provided in Section
896 63G-2-403.
- 897 (6)(a) A political subdivision or requester may appeal an appeals board decision:
- 898 (i) to the State Records Committee, as provided in Section 63G-2-403; or
- 899 (ii) by filing a petition for judicial review with the district court.
- 900 (b) The contents of a petition for judicial review under Subsection (6)(a)(ii) and the
901 conduct of the proceeding shall be in accordance with Sections 63G-2-402 and
902 63G-2-404.
- 903 (c) A person who appeals an appeals board decision to the State Records Committee
904 does not lose or waive the right to seek judicial review of the decision of the State
905 Records Committee.
- 906 (7) Any political subdivision that adopts an ordinance or policy under Subsection (1) shall
907 forward to state archives a copy and summary description of the ordinance or policy.
- 908 Section 10. **Effective Date.**
- 909 This bill takes effect on May 7, 2025.